

**United States Bankruptcy Court  
Northern District of Indiana**

In re TERRANCE OTHA BUSH, SR.  
MICHELE JANE BUSH

Case No. 09-34062  
Chapter 13 Bankruptcy

**THIRD AMENDED CHAPTER 13 PLAN**

1. Payments to the Trustee: The future earnings or other future income of the Debtor is submitted to the supervision and control of the trustee. Debtor's First Plan was filed on or about September 9, 2009. To Date Debtor has paid in to the Chapter 13 Plan \$30,323.02 and is delinquent \$2,517.28. For the remaining months of the Plan the Debtor (or the Debtor's employer) shall pay to the trustee the sum of **\$3,916.00** per month.

Total of plan payments: **\$ 228,202.38**

2. Plan Length: This plan is estimated to be for **60** months.

3. Allowed claims against the Debtor shall be paid in accordance with the provisions of the Bankruptcy Code and this Plan.

- a. Secured Creditors shall retain their mortgage, lien or security interest in collateral until the earlier of (a) the payment of the underlying debt determined under nonbankruptcy law, or (b) discharge under 11 U.S.C. § 1328.
- b. Creditors who have co-signers, co-makers, or guarantors ("Co-Obligors") from whom they are enjoined from collection under 11 U.S.C. § 1301, and which are separately classified and shall file their claims, including all of the contractual interest which is due or will become due during the consummation of the Plan, and payment of the amount specified in the proof of claim to the creditor shall constitute full payment of the debt as to the Debtor and any Co-Obligor.
- c. All priority creditors under 11 U.S.C. § 507 shall be paid in full in deferred cash payments.

4. From the payments received under the plan, the Trustee shall make disbursements as follows:

- a. Administrative Expenses
  - (1) Trustee fee to be paid per statute.
  - (2) Attorney Fee (unpaid portion): **\$2,100.00** to be paid through plan in monthly payments.
  - (3) Filing Fee (unpaid portion): NONE
- b. Priority Claims under 11 U.S.C. § 507
  - (1) Domestic Support Obligations
    - (a) Debtor is required to pay all post petition domestic support obligations directly to the holder of the claim.
    - (b) The name(s) and address(es) of the holder of any domestic support obligation are as follows. See 11 U.S.C. §§ 101(14A) and 1302(b)(6).  
  
NONE
  - (c) Anticipated Domestic Support Obligation Arrearage Claims. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. § 507(a)(1) will be paid in full pursuant to 11 U.S.C. § 1322(a)(2). These claims will be paid at the same time as claims secured by personal property, arrearage claims secured by real property, and arrearage claims for assumed leases or executory contracts.

Creditor (Name & Address)	Estimated arrearage claim	Projected monthly arrearage payment
NONE		

(d) Pursuant to §§ 507(a)(1)(B) and 1322(a)(4), the following domestic support obligation claims are assigned to, owed to, or recoverable by a governmental unit.

Claimant and proposed treatment: NONE

(2) Other Priority Claims.

Name	Amount of Claim	Interest Rate (if specified)
NONE		

c. Secured Claims

(1) Pre-Confirmation Adequate Protection Payments. Pre-confirmation adequate protection payments to the following Creditors holding allowed claims secured by a purchase money security interest in personal property shall be paid by the Trustee through the plan as provided below. Adequate protection payments shall not accrue or be paid until the Creditor files a proof of claim. The principal amount of the Creditor's claim shall be reduced by the amount of the adequate protection payments remitted.

Name	Description of Collateral	Pre-Confirmation Monthly Payment
<b>1st Source Bank</b>	<b>Personal Residence located at 50985 Hawthorne Meadow Drive, South Bend IN</b>	<b>\$2,079.00</b>
	<b>Lot Numbered Fifty-Five(55) as shown on the Recorded Plat of Northwood Hills, Section 6, Recorded October 8, 2004 as Document No. 0449463 In the Office of the Recorder of St. Joseph County, Indiana.</b>	
<b>Chrysler Financial</b>	<b>2008 Chrysler Aspen</b>	<b>\$480.10</b>
<b>BMW Credit</b>	<b>2000 BMW 323 CIC</b>	<b>\$200.00</b>

(2) Secured Debts Which Will Not Extend Beyond the Length of the Plan

(a) Secured Claims Subject to Valuation Under § 506. The Debtor moves the Court to value collateral as follows according to 11 U.S.C. § 506(a). Each of the following secured claims, if allowed, shall be paid through the plan in equal monthly payments set forth below, until the secured value or the amount of the claim, whichever is less, has been paid in full. Any remaining portion of the allowed claim shall be treated as a general unsecured claim. Any claim with a secured value of \$0 shall be treated as a general unsecured claim.

Name	Proposed Amount of Allowed Secured Claim	Monthly Payment	Interest Rate (if specified)
<b>Chrysler Financial</b>	<b>\$28,806.00</b>	<b>\$480.10</b>	<b>7%</b>
<b>BMW Credit</b>	<b>\$12,000.00</b>	<b>\$200.00</b>	<b>7%</b>

(b) Secured Claims Not Subject to Valuation Under § 506. Each of the following claims, if allowed, shall be paid through the plan in equal monthly payments set forth below, until the amount of the claim as set forth in the Creditor's proof of claim has been paid in full.

Name	Proposed Amount of Allowed Secured Claim	Monthly Payment	Interest Rate (if specified)
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NONE

(3) Secured Debts Which Will Extend Beyond the Length of the Plan

Name	Proposed Amount of Allowed Secured Claim	Monthly Payment	Interest Rate (if specified)
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<b>1st Source Bank</b>	<b>\$249,000.00</b>	<b>\$2,079.00</b>	
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d. Unsecured Claims

(1) Special Nonpriority Unsecured: Debts which are co-signed or are non-dischargeable shall be paid in full (100%).

Name	Amount of Claim	Interest Rate (if specified)
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NONE

(2) General Nonpriority Unsecured: To meet the best interests of creditors test, the means test and/or the disposable income test, the Class Nine General Unsecured Creditors will receive no less than \$2,000.00.

5. The Debtor proposes to cure defaults to the following creditors by means of monthly payments by the trustee:

Creditor	Amount of Default to be Cured	Interest Rate (if specified)
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<b>1st Source Bank</b>	<b>\$8,316.00</b>	
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6. The Debtor shall make regular payments directly to the following creditors:

Name	Amount of Claim	Monthly Payment	Interest Rate (if specified)
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<b>Sallie Mae</b>		<b>\$12.50</b>	
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7. The employer on whom the Court will be requested to order payment withheld from earnings is: NONE .

8. The following executory contracts of the Debtor are assumed:

Other Party	Description of Contract or Lease
<b>DCFS</b>	<b>2008 Chrysler Aspen</b>

9. Property to be Surrendered to Secured Creditor

Name	Amount of Claim	Description of Property
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NONE

10. The following liens shall be avoided pursuant to 11 U.S.C. § 522(f), or other applicable sections of the Bankruptcy Code:

Name	Amount of Claim	Description of Property
NONE		

11. All property shall remain in the estate until discharge or dismissal.

12. As used herein, the term "Debtor" shall include both debtors in a joint case.

13. Other Provisions: Debtor will turnover copies of federal and state tax returns each year of the Plan to the Trustee. Debtors tax refunds are pro-rated into Schedule I, Current Income of Individual Debtor(s).

Date: June 28, 2010

/s/ Benedict F. Marnocha  
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